State of California, State Water Resources Control Board Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000 Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

2000, 2001, 2002

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information. Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return This Form by September 1, 2003. 2013 NOV - 3 PM 3: 09 *If the mail recipient's name, address or phone No. is wrong or missing, please correct.

Owner of Record: PENINSULA OPEN SPACE TRUST;

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING: PENINSULA OPEN SPACE TRUST C/O WALTER T MOORE 3000 SAND HILL RD BLDG 4 STE 135 **MENLO PARK, CA 94025**

STATEMENT NO.: S009555 CONTACT PHONE NO.: (650)854-7696

FOR ONLINE REPORTING AT www.waterrights.ca.gov

USER NAME: S009555 PASSWORD: D26894

Source Name:

BUTANO CREEK

Tributary To:

PESCADERO CREEK

County:

San Mateo

Water is used under: Riparian claim

Diversion Within: SW1/4 of SE1/4 Section 24, T08S, R05W, MB&M

Year of First Use: 1953

Parcel Number:

Other (explain); _

_			Amount	s below are:	Gal	lons		cre-feet_	·	Other_				
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GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA	
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Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES NO _X	.e

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov"

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(£9-8) J99Ų2-T2

State of California State Water Resource's Control Board **DIVISION OF WATER RIGHTS**

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE If the information below is inaccurate, please line it out in red and provide current information. Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 2000

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DIVERSION WITHIN: SW% OF SE% SECTION 24, T08S, R05W, MD B&M PARCEL NO: Water is used under: Riparian claim Pre 1914 right Other (explain); Water is used under: Riparian claim Pre 1914 right Other (explain); Water is used under: Riparian claim Pre 1914 right Other (explain); Manount of Use _ Enter the amount (or the approximate amount) of water used each month. Amounts below are: Gallons Acre-feet Other Year	SOURCE	:	BUTA	NO CRE	EK					TELEPHO	ONE NO:	(650)) 854-7696	
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Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc. Irrigation	1998		X	<u> </u>	×	×	x	×	×	×	<u>×</u>			ZAF
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	b.	If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:
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3.	Con	njunctive use of surface water and groundwater
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	b.	If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:
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GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A <u>riparian right</u> enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

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Statements of Water Diversion and Use must be filed by riparian and pre 1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

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"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption.

For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov"

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State of California State Water Resources Control Board DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 657-2170, FAX: (916) 657-1485, Web: http://www.waterrights.ca.gov

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information. Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 2000

OWNER OF RECORD: PENINSULA OPEN SPACE TRUST

PENINSULA OPEN SPACE TRUST C/O WALTER MOORE 3000 SAND HILL RD BLDG 4 STE 135 MENLO PARK, CA 94025

SOURCE: BUTANO CREEK

TRIBUTARY TO: PESCADERO CREEK

COUNTY: SAN MATEO

DIVERSION

WITHIN: SW% OF SE% SECTION 24, T8S, R5W, MB&M

STATEMENT NO: S009555

TELEPHONE NUMBER:

(650) 854-7696

YEAR OF FIRST USE: 1953

PARCEL NO:

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State Water Resources Control Board John P. Caffrey, Chairman



Division of Water Rights

901 P Street • Sacramento, California 95814• (916) 657-2046 FAX (916) 657-1485
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
Internet Address: http://www.swrcb.ca.gov
E-Mail: rduff@waterrights.swrcb.ca.gov

NOV 1 6 1998

In Reply Refer to:341:RMD:27663, et al

Walter Moore
Director of Conservation
Peninsula Open Space Trust
3000 Sand Hill Road
Building 4, Suite 135
Menlo Park, CA 94025

Dear Mr. Moore:

PERMIT 19321 (APPLICATION 27663), PERMIT 19322 (APPLICATION 27664), PERMIT 19323 (APPLICATION 27665), AND PERMIT 19324 (APPLICATION 27666); AND STATEMENT NOS. 9553, 9554, AND 9555 VARIOUS SOURCES AND BUTANO CREEK IN SAN MATEO COUNTY

This letter is to follow up a November 12, 1998 phone conversation with John Wade of your office concerning the ownership and status of the above-referenced water rights.

Ownership:

Our records currently show the ownership of the water rights in the name of "City National Bank", with "Stanley S. Skeehan" designated as agent or primary contact.

As requested by Mr. Wade, unless notified otherwise within 30 days, we will update our records to show the ownership of the water rights covered of Permits 19321, 19322, 19323, and 19324 and Statements No. 9553, 9554, and 9555 as follows:

Peninsula Open Space Trust c/o Walter Moore 3000 Sand Hill Road Building 4, Suite 135 Menlo Park, CA 94025 (650) 854-7696

There are no fees required to change the ownership of the water rights.

Background:

All individuals, businesses, or public and private entities diverting surface water (including ground water flowing through known and definite channels) must have a valid water right for the diversion. California recognizes a number of different types of water rights. The two most common types of water rights are *riparian* and *appropriative*.

Riparian water rights usually come with owning a parcel of land that is adjacent to a source of water. The riparian water right entitles the diverter to use a portion of the water naturally flowing past the property. Riparian water rights do not entitle the water user to divert water to storage in a reservoir or to use water on land outside of the watershed. Riparian water rights do not require a water right permit, license, or governmental approval.

Appropriative water rights can be obtained by individuals, businesses, or other entities that:
(1) do not have valid riparian rights, (2) who plan to seasonally store water in a reservoir, or
(3) who plan to use water on parcels that are not adjacent to the source of water. There are
several ways of obtaining an appropriative water right. The most common approach is the
application-permit-license procedure. This procedure for obtaining an appropriative water right
begins with the filing of an application and associated fees with the Division of Water Rights.
After environmental review, public notice, and resolution of any protests, a water right permit is
issued with specific terms and conditions. The permit also specifies when the project must be
completed. After project completion and the maximum amount of water has been placed to
beneficial use, the last step is issuance of license that is the final confirmation of the water rights.

As discussed further below, the water rights involved with this property include 4 appropriative water right permits and 3 claims of riparian water rights.

Appropriative Water Rights:

In combination, there are 4 appropriative water rights, Permits 19321, 19322, 19323, and 19324, that cover a total of 11 reservoirs with a cumulative capacity of 81 acre-feet and irrigation of up to 250 acres. Copies of the permits and associated Time Extension Orders are enclosed. Note the 1993 Orders extended the permit expiration dates to December 31, 2003. By that date, all the reservoirs should be constructed, the irrigation system should be completely installed, and the maximum amount of water should have been placed to beneficial use.

When the permits expire, you will have three options: (1) issuance of a license based on the asbuilt projects and maximum amount water actually placed to beneficial use, (2) request for another time extension if the projects are not complete (subject to due diligence requirements), or (3) request revocation if the projects have been abandoned. Prior to issuance of any licenses, we will need to conduct an inspection of the as-built projects.

During my phone conversation with Mr. Wade, we discussed some of the special terms in the permits, particularly the bypass flow/measuring device terms (Terms 14 through 17) in

Permit 19321. Subsequently, I found that the 1990 Order amended Permit 19321 to delete these terms. These terms apparently were deleted because a diversion point on Butano Creek was deleted that was intended to help fill Reservoirs No. 5 and 6. In any case, you should review the permits and associated orders to ensure full compliance with all terms and conditions.

Mr. Wade also mentioned that the previous owners might have constructed several additional reservoirs. There is a possibility that these reservoirs could be added, by Change Petition, to the existing permits, provided that they are in the same watershed and the total storage capacity allowed in the permit(s) is not exceeded. Enclosed for your information is material related to the Change Petition procedures.

An appropriative water right can be revoked (or reduced) after five years of continuous nonuse, or due to noncompliance with permit terms and conditions. To track the status and actual water use under the terms and conditions of the permit, we annually distribute a pre-printed form, "Progress Report by Permittee". We have no record of receipt of the 1997 Progress Reports. Enclosed for your completion are duplicate copies of the 1997 Reports reflecting the new ownership. In early 1999, we will distribute the 1998 Progress Reports. There are no fees required to file the Progress Reports.

Riparian Water Rights:

Statements 9553, 9554, and 9555 (copies enclosed) cover 3 diversions from Butano Creek under claim of riparian right. A valid riparian right (or pre-1914 appropriative right) is a vested right that is generally superior to any appropriative right administered by the Division of Water Rights under the Water Commission Act of 1914.

The validity of a claim of riparian right often involves complex issues of fact and law regarding stream contiguity, land ownership issues, and chain-of-title. Because a riparian does not require a permit, license, or governmental approval, it is our policy not to render any advisory opinions regarding the validity of a specific claim of riparian right.

However, the Division of Water Rights does maintain statewide records of surface water diversions initiated under claim of riparian rights (and pre-1914 appropriative rights). Use of water under a claim of riparian right or pre-1914 appropriative right is documented by filing a "Statement of Water Diversion and Use" (Statement). A Statement is completed for a diversion during a calendar year and should be filed before July 1 of the succeeding year. We assign each new Statement a unique number. Thereafter, we distribute pre-printed Supplemental Statement forms at three-year intervals for the owners to summarize their actual water use.

We have not received any water use summaries for the 3 riparian diversions from Butano Creek since the late 1980's. Enclosed for your completion are duplicate copies of the Supplemental Statement forms for the three-year intervals ending in 1995 and 1998 for each riparian diversion. There are no fees required to file the Supplemental Statement forms.

If you have any questions, please write or telephone me at (916) 657-2046.

Sincerely,

ORIGINAL SIGNED BY

Ronald M. Duff Associate WRC Engineer Permit and License Unit

Enclosures

cc:

City National Bank c/o Stanley S. Skeehan (w/o enclosures) 210-16th Avenue

Santa Cruz, CA 95062

RMDuff:egonzales d:\rmd\27663\11-16-98

STATE OF CALIFORNIA STATE WATER RESOURCES CONTROL BOARD Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95812-2000 SACRAMENTO, CA 95814 (916) 322-4503 (916) 322-4503

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

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GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the source of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different water-used, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use" "Information Pertaining to Water Rights in California" "Water Rights for Stockponds Constructed Prior to 1969" "Appropriation of Water in California"

ADDRESS CHANGE OR NAME CHANGE STATEMENT

S 9554-988

New Name or Address Change:

Chase Bank of Arizona c/o Thomas G. Rumph 7501 East McCormick Scotsdale, AZ 85258-3496

STATE OF CALIFORNIA STATE WATER RESOURCES CONTROL BOARD Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95810 901 P ST. SACRAMENTO, CA (916) 322-4503

file copy

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

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WR 40-1(11485)

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"Statements of Water Diversion and Use" "Information Pertaining to Water Rights in California" "Water Rights for Stockponds Constructed Prior to 1969" "Appropriation of Water in California"

ADDRESS CHANGE OR NAME CHANGE STATEMENT

S 9555

New Name or Address Change:

Chase Trust Company of Arizona c/o Stanley S. Skeehan Santa Cruz, CA 95062 Chase Trust Company of Arizona 7501 East McCormick Parkway Scottsdale, Arizona 85258-3496 (602) 949-4931 Thomas G. Rumph Senior Vice President

27664 27665 27666

5.9554 5-9555



The State of California
Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, California 95812-2000
Attn: Shige Okada

Re: Your Reference No. 341:SO:27663

Gentlemen:

This letter will acknowledge receipt of your correspondence dated January 3, 1991. A copy of your letter is enclosed for reference. Please change your records to show that Application No's. 27663, 27664, 27665, and 27666; as well as Statements of Diversion and Use No's. S-9554 and S-9555 are held by:

"Chase Trust Company of Arizona as Trustee under the Roy E.Crummer and Hazel B. Crummer Living Trust Indenture, dated June 7, 1965."

Your assumption that we do not have copies of the Permits and Statements by the previous owner are correct. Please consider this letter as our request that you forward copies of the Permits and Statements to the attention of the undersigned.

Thank you in advance for your assistance regarding these matters.

Very truly yours,

January 10, 1991

Thomas G. Rumph Senior Vice President

TGR/bw Enclosure

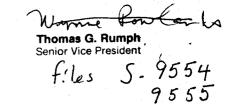
cc: Mr. Stanley S. Skeehan

210 16th Avenue

Santa Cruz, California 95062

Ksus 23-91

Chase Trust Company of Arizona 7501 East McCorruick Parkway Scottsdale, Arizona 85,258-3496 (602) 949-4931





January 4, 1991

State of California
Water Resources Control Board
Attn: Mr. Jesse Diaz,
Chief of Division of Water Quality
and Water Rights
P.O. Box 2000
Sacramento, California 95812-2000

Dear Mr. Diaz:

Please change your records to show that application No.'s 27663, 27664, 27665, and 27666 are held by:

"Chase Trust Company of Arizona; ds trustee under the Roy E. Crummer and Hazel B. Crummer Living Trust Indenture, dated June 7, 1965."

Our bank as trustee of the above referenced trust has hired Mr. Stanley S. Skeehan as a water rights consultant. Please mail correspondence concerning these applications to Mr. Stanley S. Skeehan, 210 16th Avenue, Santa Cruz, California, 95062.

Ownership of Statements of Diversion and Use No.'s 3-9554 and S-9555 should also be changed to show that the ownership is held by:

"Chase Trust Company of Arizona, as trustee under the Roy E. Crummer and Hazel B. Crummer Living Trust Indenture, dated June 7, 1965."

Correspondence concerning the Statements of Diversion and Use should also be sent to Mr. Skeehan on our behalf.

CRU0104.DOC

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS STATEMENT OF WATER DIVERSION AND USE

S 9555

This statement should be typewritten or legibly written in ink.

Name of person diverting water Tohn W. Bur	kard		
Address Rancho Butano 3393 - Cloverda		9.79	
Name of body of water at point of diversion Butano Tributary to Pacific Octor	Creek	ر ر	124 013
Place of diversion			kM, tion
lines or prominent local landmarks.	•		
Name of works Pump			
Capacity of diversion works 250 9 1 per m Capacity of storage reservoir Dane	inute.	cubic feet per sec gallons per minute gallons	
State quantity of water used each month in gallons or acre-feet		acre-leet	
Year Jan. Feb. Mar. Apr. May June July Aug.	Sept. Oct. Nov	To v. Dec. Ann	
1 4 5 5 5 5	4 4		
Maximum annual water use in recent years An because Minimum annual water use in recent years		gallous	
Type of diversion facility: gravity, pump		acre-feet	
Method of measurement: weir, flume, electric power meter	water meter	estimate	<u> </u>
F. Purpose of use (what water is being used for)		·	
G. General description or location of place of use (use sketch of se	etion grid on reverse	side if you de	sire)
H. Year of first use as nearly as known At Lease 25 yr	5		
I. Name of person filing statement D. H. Copie 11h.	960		
Position Secty - Treas Organization Ron	sho But	000 33	5.
Address 360 Olive St	Telephone	: MIS. BOS	2
I declare under penalty of perjury that the above is true and correct DATED:		wledge and belie	
Signature:	rpenhage	<u></u>	-
See Instructions on Reverse S.	ide		